



ALABAMA STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS  
8 Commerce Street – Ste 910  
Montgomery, AL 36104

MINUTES  
Board Meeting  
Wednesday February 19th, 2014

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The Alabama State Board of Veterinary Medical Examiners met Wednesday February 19<sup>th</sup>, 2014 at the Board Office in Montgomery, Alabama in order to conduct business.

Mrs. Nancy Pett served as Parliamentarian over the Board Meeting.

**9:30 a.m.** Meeting was called to order by the President Dr. Robert E. Pitman with the following members in attendance: Dr. Ronald Welch, Dr. Sam Eidt, Ms. Debbie Whitten, Dr. Robert Martin, Dr. Thomas C. Branch and Mrs. Nancy Pett. Also in attendance were Tammy S. Cargile, Executive Director and Charles David Phillips, Field Compliance Officer, Dale W. O'Banion, Field Compliance Officer and Mark Montiel, Boards Attorney. Dr. Patrick Trotter was absent from this Board Meeting.

*\*A Quorum is present, copy of meeting publication attached.*

Guest present were: Mrs. Rachel Miller, and Mr. Miland Simpler.

The meeting was advertised on the Board's web site, [www.asbvme.alabama.gov](http://www.asbvme.alabama.gov), and on the Secretary of State's web site, [www.sos.alabama.gov](http://www.sos.alabama.gov), in compliance with the Alabama Open Meetings Act.

**Roll Call**

Dr. Robert Pitman – In Attendance  
Dr. Ronald Welch – In Attendance  
Dr. Sam Eidt – In Attendance  
Ms. Debbie Whitten – In Attendance  
Mrs. Nancy Pett – In Attendance  
Dr. Patrick Trotter – **Absent**  
Dr. Robert Martin – In Attendance  
Dr. Thomas C. Branch – In Attendance

Dr. Pitman asked for review of the minutes from the December 11th, 2013 meeting. Minutes were reviewed and discussed by the Board. (Exhibit 1)

Dr. Martin made a motion to accept the minutes as presented.

Dr. Branch seconded the motion and it was unanimously approved by the Board.

The **Financial Report(s)** for December, 2013 and January, 2014 were reviewed and discussed by the Board.

(Exhibit 2 & 3)

Ms. Whitten made a motion to approve the financial report as presented.

Dr. Martin seconded the motion and it was unanimously approved by the Board.

### **Review of Agenda**

(Exhibit 4)

1. Additions, Modifications, Reordering
2. Adoption of Agenda

Dr. Eidt made a motion to amend the agenda to add Continuing Education discussion.

Dr. Welch seconded the motion and it was unanimously approved by the Board.

Dr. Welch made a motion to accept the amended agenda.

Ms. Whitten seconded the motion and it was unanimously approved by the Board.

The Board reviewed and discussed the following **ASBVME – New Business**

### **Dr. Jerome Williams - Wellness Program Update**

Dr. Jerome Williams would like to have permission from the ASBVME to present a Bill to legislature in 2015 to lessen the paperwork in which Veterinarians have to turn in to the Alabama Prescription Drug Monitoring Program, would like to have in the Bill that DVM's would not have to report Schedule IV Control Drugs to the Alabama Prescription Drug Monitoring Program.

Dr. Welch made a recommendation to the ASBVME that the President of the ASBVME, Dr. Robert Pitman should assign a Committee of three ASBVME Board Members to work with Dr. Jerome Williams in the writing of this Bill.

Dr. Robert Pitman upon Dr. Welch's recommendation assigned the following ASBVME Board Members to assist Dr. Jerome Williams in the writing of this Legislative Bill:

#### The PDMP Legislation Bill Committee

Dr. Robert E. Martin – Chair

Dr. Patrick N. Trotter

Dr. Thomas C. Branch

Dr. Welch motioned as a Board to address a letter to the Dean of Auburn University, CVM and to the Dean of Tuskegee University, SVM, stating that this Board fully supports Dr. Jerome Williams and the Wellness Committee in their actions. In hopes that this will encourage the Veterinary Schools to start a Student Wellness Program on the campuses to assist those in need.



Dr. Welch is to compose the letters and Ms. Cargile the Boards Executive Director will mail the letters to Dr. Jerome Williams.

Dr. Eidt seconded the motion and it was unanimously approved by the Board.

### **Dr. Sam Eidt - Continuing Education Discussion**

Dr. Eidt, Chair of the CE Committee brought to the ASBVME's attention that Pharmaceutical Companies are requesting approval of CE Hours for Commercial talks in which they are giving to the Veterinarians and Licensed Veterinary Technicians. Dr. Eidt strongly encourages the ASBVME to make sure that these commercial presentations follow the R.A.C.E. approval guidelines regarding Commercial Presentations before CE is approved.

Dr. Eidt, Chair of the CE Committee also strongly encourages that the ASBVME only approve Holistic Programs that have prior R.A.C.E. approval. If these programs are approved by R.A.C.E. then the ASBVME will automatically approve them for CE Hours.

The Boards Attorney, Mr. Mark Montiel warranted the Board that pursuant to the statutory requirements the Board needed to go into Executive Session to discuss the matters of an investigation and complaint cases.

**At 10:16 a.m.** Dr. Eidt made a motion to enter into executive session for the discussion of matters of an investigation and complaint cases until 12:30 p.m.

Mark Montiel, a licensed attorney for the Alabama State Board of Veterinary Medical Examiners, certified that the reasons as stated in the motion are true and correct and are what will be discussed in Executive Session.

Ms. Whitten seconded the motion, and the President called for the vote: Dr. Welch, Yea, Dr. Eidt, Yea, Ms. Whitten, Yea, Dr. Martin, Yea, Dr. Branch, Yea, Mrs. Pett, Yea, and Dr. Pitman, Yea.

**12:30 p.m.** Dr. Branch made a motion to retire from executive session. Ms. Whitten seconded the motion, and the President called for the vote: Dr. Welch, Yea, Dr. Eidt, Yea, Ms. Whitten, Yea, Dr. Martin, Yea, Dr. Branch, Yea, Mrs. Pett, Yea, and Dr. Pitman, Yea.

### **At 1:35 p.m. ASBVME Board Meeting Resumed**

Dr. Welch made a motion to have Ms. Tammy Cargile, Executive Director, to request an Attorney General's Opinion, regarding ASBVME Board Members not being able to sit for testimony in Administrative Hearings due to prior commitments or medical reasons, that when a Board Member misses testimony will it be permissible for the Board Member to read the transcripts from the Administrative Hearing for the portion in which they missed, and still be able to vote on the outcome. The ASBVME realizes that a Quorum must be present in order to continue with an Administrative Hearing.

Dr. Eidt seconded the motion and it was unanimously approved by the Board.

The following **Complaint Case** was presented for resolution:

**Case: # 14-WRW-656\***

\* Filed by Case # in the Complaint Files.

Dr. Welch presented this case. Dr. Welch in reviewing this case against Facility "X" is recommending to the ASBVME that this case remain under investigation and also to make a directive to issue an additional subpoena for records that have yet to be received.

Dr. Pitman gave Ms. Cargile, a directive to issue additional subpoena's requesting the documents from Facility "X".

*\*Dr. Welch recused himself from voting.*

**Case: # 14-WRW-657\***

\* Filed by Case # in the Complaint Files.

Dr. Welch presented this case. Dr. Welch in reviewing this case against Facility "Y" and Dr. "Y" is recommending to the ASBVME that an order for the documents that were not previously produced to this Board, be brought to the ASBVME Office on March 5<sup>th</sup>, at 8:00 a.m. If those documents are not brought to the ASBVME Office on this date and time, then formal charges of unprofessional conduct be brought against Facility "Y" and Dr. "Y".

Dr. Eidt made a motion to accept Dr. Welch's recommendation of the issuance of the Order and if documents are not produced on the specific day and time that this Board proceed with formal charges of unprofessional conduct be brought again Facility "Y" and Dr. "Y".

Mrs. Pett seconded the motion and it was passed unanimously by the Board.

*\*Dr. Welch recused himself from voting.*

**Case: # 14-WRW-658\***

\* Filed by Case # in the Complaint Files.

Dr. Welch presented this case. Dr. Welch in reviewing this case against Facility "Z" and Dr. "Z" is recommending to the ASBVME that an order for the documents that were not previously produced to this Board, be brought to the ASBVME Office on March 5<sup>th</sup>, at 8:00 a.m. If those documents are not brought to the ASBVME Office on this date and time, then formal charges of unprofessional conduct be brought against Facility "Z" and Dr. "Z".

Ms. Whitten made a motion to accept Dr. Welch's recommendation of the issuance of the Order and if documents are not produced on the specific day and time that this Board proceed with formal charges of unprofessional conduct be brought again Facility "Z" and Dr. "Z".

Dr. Branch seconded the motion and it was passed unanimously by the Board.

*\*Dr. Welch recused himself from voting.*



**Case: # 13-REP-637\***

**\* Filed by Case # in the Complaint Files.**

Dr. Pitman presented this case for resolution. Dr. Pitman reviewed this case against Dr. "A" and found there was failure to establish a veterinary-client-patient relationship and failure to the Standard of Care that was given. Dr. Pitman also established that there was a violation to the DEA with regards to a non-licensed assistant administering anesthesia (*control substance*) which is a direct violation of DEA Regulations C.F.R. 21 and a direct violation of Rule 930-X-1-.13. of the Alabama Administrative Code. Dr. Pitman is recommending to this Board that formal charges be brought against Dr. "A" for the failure to establish the veterinary-patient-client relations and for failure in the standard of care that was given.

Dr. Welch motion to accept Dr. Pitman's recommendation for formal charges to be brought against Dr. "A" for the failure to establish the veterinary-client-patient relationship and for the failure in the standard of care that was given.

Dr. Branch seconded the motion and it was passed unanimously by the Board.

**Case: # 13-REP-637\***

**\* Filed by Case # in the Complaint Files.**

Dr. Pitman presented this case for resolution. Dr. Pitman reviewed this case against Dr. "A" and found there was failure to establish a veterinary-client-patient relationship and failure to the Standard of Care that was given. Dr. Pitman also established that there was a violation to the DEA with regards to a non-licensed assistant administering anesthesia (*control substance*) which is a direct violation of DEA Regulations C.F.R. 21 and a direct violation of Rule 930-X-1-.13. of the Alabama Administrative Code. Dr. Pitman is recommending to this Board that formal charges be brought against Dr. "A" for the violation to the DEA C.F.R. 21 and to Rule 930-X-1-.13. of the Alabama Administrative Code.

Dr. Welch motion to accept Dr. Pitman's recommendation for formal charges to be brought against Dr. "A" for the violation to the DEA C.F.R. 21 and to Rule 930-X-1-.13. of the Alabama Administrative Code.

Dr. Branch seconded the motion and it was passed unanimously by the Board.

**Case: # 13-REP-647\***

**\* Filed by Case # in the Complaint Files.**

Dr. Pitman presented this case for resolution. Dr. Pitman reviewed this case against Dr. "B" and found no violations to the Practice Act, and no breach in the Standard of Care given. Dr. Pitman recommends dismissal with no further action to be taken.

Mrs. Pett made a motion to accept Dr. Pitman's recommendation for dismissal and no further action to be taken.

Dr. Welch seconded the motion and it was passed unanimously by the Board.

**Case: # 13-REM-646\***

**\* Filed by Case # in the Complaint Files.**

Dr. Martin presented this case for resolution. Dr. Martin reviewed this case against Dr. "C" and found no violations to the Practice Act, and no breach in the Standard of Care given. However, Dr. Martin is recommending a Letter of Concern to be mailed to Dr. "C" regarding he/she record keeping. Dr. Martin strongly recommends that Dr. "C" look into S.O.A.P. Record Keeping and also Problem Oriented Record Keeping to help prevent cases like this from happening in the future.

Dr. Eidt made a motion to accept Dr. Martin's recommendation for the Letter of Concern to be sent to Dr. "C".

Dr. Welch seconded the motion and it was passed unanimously by the Board

### **CET Application - For Board Approval**

Dr. Branch made a motion to table this CET Application until the next scheduled ASBVME Board Meeting.

Ms. Whitten seconded the motion and it was passed unanimously by the Board.

Dr. Pitman assigned the following ASBVME Board Members to a Committee to review that last 50 complaint cases and pick a few to take around and speak to local association meetings and offer these talks as CE hours. These presentations can count as 2 CE Hours of Law Review. The Committee is as followed:

#### **ASBVME Board Member CE Presenters**

Dr. Robert E. Martin – Chair  
Dr. Thomas C. Branch  
Dr. Sam J. Eidt

**At 2:00 p.m.** Dr. Cathleen Forester with the LVT distance learning program with Faulkner Community College in Mobile, came and spoke to the Board regarding the beginnings of Faulkner Community College's new LVT distance learning program, that will take students from Bay Minnette, Mobile, and Fairhope. Dr. Forester will provide the Board with the program details as soon as they have been finalized.

At 2:15 p.m.

ASBVME – Correspondence Possible Response

**Dr. Williams C. Jeter - Inactive DVM License – CE Request**

(Exhibit 5)

Dr. Eidt made a motion to exempt Dr. William A. Jeter from having to report the 2 CE hours of Pharmacy Review or Law Review for 2013 due to the fact that Dr. Jeter is over the age of 70 and is not practicing in the State of Alabama. Dr. Jeter will be made aware that if he decides to practice in the State of Alabama again, he will have to obtain these 2 CE hours that he did not receive in 2013 for the 2014 License Renewal Period.

Dr. Martin seconded the motion and it was unanimously approved by the Board.

**Dr. James A. Neville - Active DVM License – CE Request**

(Exhibit 6)

Dr. Eidt made a motion to exempt Dr. James A. Neville from having to report CE hours for 2014 license renewals due to the fact that Dr. Neville is over the age of 70 and is not practicing in the State of Alabama. Dr. Neville will be made aware that if he decides to practice in the State of Alabama again, he will have to obtain the 20 CE hours that he did not receive in 2013 for the 2014 License Renewal Period.

Mrs. Pett seconded the motion and it was unanimously approved by the Board.

**Dr. Kenneth L. Angel - Active DVM License – CE Request**

(Exhibit 7)

Dr. Welch made a motion to give Dr. Angel a CE Extension until April 1<sup>st</sup>, 2014 due to medical issues.

Ms. Whitten seconded the motion and it was unanimously approved by the Board.

Dr. Welch made motioned to pay expenses for the meeting and adjourn.

Dr. Branch seconded the motion and it was unanimously approved by the Board.

4:00 p.m. Adjourn

Respectfully submitted,

  
Tammy S. Cargile  
Executive Director

  
Robert E. Pitman, DVM  
President